

Employee Conduct Whistleblower

Effective Date: March 8, 2023

POLICY

At the Credit Union Deposit Guarantee Corporation (Corporation) we expect the highest standards of business conduct and ethics, as outlined in our [Employee Conduct - Code of Conduct and Ethics](#) Policy. The basis for the Employee Conduct – Whistleblower Policy and Program is the *Public Interest Disclosure (Whistleblower Protection) Act* (Whistleblower Act) which provides a safe avenue for employees to speak out about wrongdoings in their workplace.

This policy and program applies to all employees and reflects a commitment to the Corporation's Values of accountability, integrity and respect. It is important that employees feel safe to report wrongdoings, that any reports of wrongdoing will be thoroughly investigated and that the whistleblower is protected from reprisal when reporting wrongdoings.

Under the Whistleblower Act, it is an offence to:

- knowingly withhold information or make a false statement (at any stage of the process), or counsel or direct a person to provide a false statement;
- obstruct or counsel another person to obstruct an individual involved in performing a duty or function of the Whistleblower Act;
- destroy, falsify, or conceal any document or anything that is likely to be relevant to an investigation under the Whistleblower Act; or counsel another person to do so.

The reporting of a wrongdoing is a serious matter and this legislation is not intended to deal with routine operational or human resources matters.

The Board of Directors are responsible for the delegation of a Designated Officer who is responsible for conducting a thorough review and investigation of each report of wrongdoing or possible wrongdoing (hereinafter referred to as a Whistleblower Disclosure). The Board Vice Chair is delegated as the Designated Officer for the Corporation. The Chair of the Board of Directors (Board Chair) may appoint other Board members to support the work of the Designated Officer or to act as an alternate for the Designated Officer, if required.

The President & CEO, as the Chief Officer under the Whistleblower Act, is responsible for:

- defining the responsibilities of the Corporation and the employees,
- assisting the Designated Officer with documentation of the procedure(s) for reviewing and investigating a Whistleblower Disclosure;
- ensuring all information pertaining to the Whistleblower Act is readily available and accessible;
- prohibiting the interference or reprisal against an employee for seeking advice about a wrongdoing or possible wrongdoing, submission of a Whistleblower Disclosure, cooperating in an investigation or declining to participate in a wrongdoing;
- supporting the decisions of the Designated Officer; and
- enforcement and follow up of any disciplinary action(s) or corrective measure(s) taken or directed as a result of an investigation.

Except in exceptional circumstances, the Corporation plans for the 3 phases detailed in the [Whistleblower Disclosure – Designated Officer Procedure](#) to be complete within a 60 business day target after receipt of a Whistleblower Disclosure, well within the legislated timelines.

To demonstrate the Corporations' commitment to transparency and accountability this policy and program, the procedure(s) and forms are available on the Corporation's public website – www.cudgc.ab.ca.

PROGRAM

The Employee Conduct – Whistleblower Policy and Program applies to all employees and includes information on:

- what is considered a wrongdoing under the Whistleblower Act,
- who an employee can talk to if they have a concern about a wrongdoing or a possible wrongdoing,
- what protection an employee has throughout the process,
- how an employee knows that the process is impartial and fair-minded,
- how an employee submits a Whistleblower Disclosure,
- what information is needed for a Whistleblower Disclosure,
- what happens when a Whistleblower Disclosure is received by the Designated Officer, and
- what can an employee do if there is an act of reprisal taken against them.

Definitions

An 'employee' includes all permanent and temporary employees of the Corporation including those who perform a service for the Corporation whether it be under a contract or as an appointee. For the purpose of this Program, members of the Board of Directors are included under the term of 'employee'.

A 'Whistleblower Disclosure' is a written complaint that is made in good faith by an employee, of a wrongdoing that has occurred or may occur within the Corporations' business operations or by another employee.

Under the Whistleblower Act a 'wrongdoing' is defined as:

- an action that is in contravention to a federal or provincial statute; or
- an act or omission that creates a substantial or specific danger to the life, health or safety of individuals other than a danger that is inherent in the performance of the duties or functions of an employee; or
- an act that is a substantial or specific danger to the environment; or
- gross mismanagement, including an act or omission that is deliberate and shows a reckless or willful disregard for the proper management of:
 - Corporation funds or assets,
 - delivery of Corporation service(s), including the management or performance of:
 - i. a contract or arrangement identified or described in the *Whistleblower Regulations*, including the duties resulting from the contract or arrangement or any funds administered or provided under the contract or arrangement, and
 - ii. the duties and powers resulting from an enactment identified or described in the *Whistleblower Regulations* or any funds administered or provided as a result of the enactment,
 - employees, by a pattern of behavior or conduct of a systemic nature that indicates a problem in

the culture of the Corporation relating to bullying, harassment or intimidation.

- knowingly directing or counselling an individual to commit any wrongdoing mentioned above; or
- any wrongdoing as prescribed in the Whistleblower Regulations;

While not exhaustive, some examples of a wrongdoing include:

- non-compliance with Corporation Bylaws, banking resolution(s) or spending authority,
- violations of the Corporation's accounting policies or Code of Conduct and Ethics policies,
- intentional and fraudulent financial transactions,
- misuse, theft or embezzlement of Corporation funds or assets,
- payment of suspicious invoices,
- abuse of authority,
- deliberate and unauthorized destruction of Corporation records or assets,
- improper use of Corporation or credit union information.

'Reprisal' is any measure that adversely affects the working conditions of an employee, including but not limited to: a dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of work location, reduction in wages, changes in hours of work or even a reprimand. Reprisal also includes a threat to make any of the previously mentioned actions.

Reasonable human resource management decisions made in good faith do not constitute a reprisal.

Guidelines for Employees

- If an employee reasonably believes that they have information that a wrongdoing has been committed, is about to be committed, or that an employee has been asked to commit a wrongdoing, they may inform the Designated Officer or the Public Interest Commissioners' office (Commissioner). Any delays in the submission of a [Whistleblower Disclosure](#) may make it difficult to conduct a thorough investigation and limit the ability to take prompt remedial action, if required.
- If an employee has questions or concerns regarding a wrongdoing or a possible wrongdoing, the employee may seek advice from their supervisor, the President & CEO, the Designated Officer or the Commissioner.
- An employees who prefers to contact the Commissioner may be required to make their request for information or advice in writing to the Commissioner.
- When reporting a wrongdoing an employee has the option of submitting the Whistleblower Disclosure to the Designated Officer or to the Commissioner. If a Whistleblower Disclosure is submitted directly to the Commissioner, the Commissioner has the discretion to refer the matter to the Corporations' Designated Officer for investigation, if the Commissioner considers it appropriate.

Employee Protection

It is important that the employee feel confident that only those persons that are required to be involved will be included in the discussion, investigation and/or resolution. Employee protection is in place when an employee:

- seeks advice about a wrongdoing or possible wrongdoing,
- submits a Whistleblower Disclosure,
- is alleged to have committed a wrongdoing and the investigation has not concluded,
- is alleged to have committed a wrongdoing and the allegations are unfounded,

- has co-operated in an investigation, or
- has declined to participate in a wrongdoing.

Employee protection includes:

- The Corporation will not take any adverse action against an employee as a result of their good faith concern or Whistleblower Disclosure submission;
- Any reprisal towards an employee who submits a Whistleblower Disclosure or takes part in an investigation will not be tolerated. An employee who commits a reprisal shall be subject to disciplinary action, up to and including termination of employment;
- Confidentiality of employees' identities and the information collected will be maintained throughout the process unless legally required (i.e. court proceedings) or compulsory under statute, to be released;
- Under the *Freedom of Information and Protection of Privacy Act* (FOIP) there are restrictions on the right of access to a record (information) that would reveal the identity of an employee who has requested advice about making a Whistleblower Disclosure, submitted a Whistleblower Disclosure, submitted a Complaint of Reprisal, or whose complaint has been referred to the Labour Relations Board. Access to a record (information) is not only restricted from publicly identifying an employee but also from disclosing individually identifying health information. If the information being requested can reasonably be severed from a record, an application under FOIP may allow for the right to access the remainder of the record.

Acts of Reprisal

Should an employee be subject to any form of reprisal for submitting a Whistleblower Disclosure, participating in the investigation or for having refused to participate in a wrongdoing, a Complaint of Reprisal is to be submitted by the employee to the Commissioner. The "Report a Reprisal" process is detailed on the Public Interest Commissioner's website: www.yourvoiceprotected.ca.

The Whistleblower Act allows for employees to obtain financial remedies in cases where the Commissioner finds an act of reprisal has occurred. The Commissioner is then obligated to refer the decision to the Labour Relations Board for determination of an appropriate remedy. Non-compliance to an order made by the Labour Relations Board could result in the order being enforced as a judgment or order of the Court.

Submitting a Whistleblower Disclosure

A [Whistleblower Disclosure](#) form is available to assist an employee in detailing information in order that a thorough investigation can be conducted. The Whistleblower Disclosure form may be accessed from the Corporation's internal system - integra, the Corporation's public website – www.cudgc.ab.ca or the Public Interest Commissioner website – www.yourvoiceprotected.ca

The Whistleblower Disclosure form guides the employee through the information that will assist in the investigation. However, any form of written submission will be accepted and acted on by the Designated Officer. A written submission must include:

- i. a description of the wrongdoing;
- ii. the name of the individual or individuals alleged to have committed the wrongdoing, or about to commit the wrongdoing;
- iii. the date of the wrongdoing;

- iv. whether a Whistleblower Disclosure in respect to this same wrongdoing has been previously made and whether a response has been received, and if so, a copy of that response;
- v. any additional information the Designated Officer or the Commissioner may reasonably require in order to investigate the situation.

While it is preferred that an employee submitting a Whistleblower Disclosure provide their name and preferred contact information, an anonymous submission will be treated and processed in the same manner as all other submissions. However, if details are incomplete it could impact and/or limit the investigation.

To facilitate the confidential delivery, Whistleblower Disclosure submissions may be sent through the Corporations’ legal counsel at Emery Jamieson LLP. Emery Jamieson will forward all information received directly to the Designated Officer.

Mail:	Private & Confidential Credit Union Deposit Guarantee Corporation c/o Emery Jamieson LLP Barristers & Solicitors Attention Ms. Jan Alexander-Smith or Ms. Natalie Tymchuk MNP Tower #2400, 10235 – 101 Street NW Edmonton, Alberta T5J 3G1
Phone:	Emery Jamieson LLP (780) 426-5220 or toll-free at 1-866-212-5220 Ask to speak to: Ms. Jan Alexander-Smith or Ms. Natalie Tymchuk
Email:	Private & Confidential Emery Jamieson LLP jasmith@emeryjamieson.com or ntymchuk@emeryjamieson.com
Fax:	Private & Confidential Credit Union Deposit Guarantee Corporation c/o Emery Jamieson LLP Barristers & Solicitors Attention Ms. Jan Alexander-Smith or Ms. Natalie Tymchuk Fax # (780) 420-6277

As an alternative, employees may contact or submit a Whistleblower Disclosure to the Commissioner through the following:

Phone:	1-855-641-8659 Monday to Friday 08:15 – 12:00 / 13:00-16:00
Email:	info@pic.alberta.ca
Website:	www.yourvoiceprotected.ca

Principles of Procedural Fairness and Natural Justice

The principles of procedural fairness and natural justice apply throughout the Whistleblower process. The aim is to ensure the objectives are maintained and that procedural fairness is adhered to. This protects the rights of all individuals involved, and should enhance the employee's confidence in the process.

When a Whistleblower Disclosure is made the Designated Officer considerations include:

- The employee who is the subject of the Whistleblower Disclosure is entitled to know the allegations made against them, be given the right to respond and advisement upon conclusion of the investigation, if the allegations were unfounded;
- The identity of the employee who made the allegations is not part of natural justice and must not be shared;
- If the Designated Officer is contemplating making a report adverse to the interests of any employee, the employee(s) must be given the opportunity to respond to the criticisms and to put forward their defense and/or further material that may influence the outcome of the report. The employees' defense should be fairly set out in the report;
- All relevant parties involved in the Whistleblower Disclosure process must be heard and their submissions considered while maintaining their confidentiality;
- Those involved in the investigation of a wrongdoing must not have a personal or direct interest in the matter being investigated;
- All proceedings must be carried out fairly and without bias. Care must be taken to exclude perceived bias from the process; and
- The Designated Officer or investigator must be impartial in assessing the credibility of the employee making the Whistleblower Disclosure and any witnesses. Where appropriate, conclusions as to the employee's credibility must be included in the investigation report.

Designated Officer Responsibilities

- The Designated Officer is responsible to inform the Board Chair, if appropriate, of the nature of the Whistleblower Disclosure.
- In consultation with the Board Chair, decide on appropriate communications to the rest of the Board, balancing the confidentiality aspects of the specific investigation with the needs of the Board to be informed at a high level on a timely basis about the status of the investigation.
- Determine, in consultation with the Board Chair, whether the Designated Officer requires assistance from other select members of the Board or from legal counsel or other resources internally, as long as that individual has no involvement with the matter being investigated, in completing the investigation. In any event, confidentiality by all those involved will be required.
- The Designated Officer is responsible for initiating the [Whistleblower Disclosure – Designated Officer Procedure](#) upon receipt of a Whistleblower Disclosure or documented submission;
- The Designated Officer is responsible for complying with timelines as set out in the Whistleblower Act and detailed in the Whistleblower Disclosure – Designated Officer Procedures.
- In the event that the Designated Officer is not available or to avoid any delay in addressing the matter, the Board Chair may appoint other Board members to support the work of the Designated Officer or act as an alternate for the Designated Officer.
- Where the Designated Officer notes that there may be an actual or perceived conflict of interest, the Designated Officer is responsible to excuse themselves from further action and have the matter addressed by an alternate Designated Officer or the Commissioner, if necessary.

- Written acknowledgement for receipt of a Whistleblower Disclosure will be made by the Designated Officer to the employee within the established timelines as detailed in the Whistleblower Disclosure – Designated Officer Procedure unless the submission is made anonymously or the employee omits contact information.
- The Designated Officer who acknowledges receipt will remain the contact person for the employee to follow up with on the status of their Whistleblower Disclosure and the investigation.
- The Designated Officer is responsible for reviewing and investigating all Whistleblower Disclosures in accordance with the principles of procedural fairness and natural justice.
- The Designated Officer understands that the documented procedure does not cover every scenario and will use the spirit and intent behind the Whistleblower Act and this policy and program to guide their efforts.
- While maintaining confidentiality, once the results of the investigation and the Designated Officer’s recommendations are presented to the Board of Directors and the President & CEO, the outcome(s) should be communicated to the appropriate parties including the accused when allegations are unfounded.
- All Whistleblower Disclosures and investigative materials will be maintained by the Designated Officer in confidential files, and retained in accordance with the Corporation’s Records Retention Schedule(s).
- A single investigation may be conducted where multiple Whistleblower Disclosures are made on the same matter. Each submission will remain confidential and communication will be made with each of the employees without exposure of others involvement.
- If the Designated Officer reasonably believes that the Whistleblower Disclosure constitutes an imminent risk of a substantial or specific danger to the life, health or safety of individuals, or the environment the matter must be referred to the Commissioner and/or the appropriate authorities.

COMMUNICATION

The President & CEO is responsible for the interpretation and implementation of policies and programs.

Any questions regarding this Policy and Program should be directed to Human Resources.

As part of the new employee orientation session a detailed review of the Corporation’s Employee Conduct policies and programs takes place.

Information regarding this policy and program may be distributed or communicated to employees through email, team meetings, posters, etc.

MONITORING & REPORTING

Annual Awareness sessions will be conducted to ensure that employees have a thorough understanding of the Corporations’ policy and programs including the Employee Conduct – Whistleblower.

Details pertaining to Whistleblower Disclosures made to the Designated Officer or referred and/or actioned by the Commissioner, will be summarized within the Corporation’s Annual Report. The Whistleblower Disclosure Annual Summary will not include any details that would identify an employee who made or participated in a Whistleblower investigation. The Whistleblower Disclosure Annual Summary will include the following:

- the number of Whistleblower Disclosure received or referred to the Designated Officer;

- the number of Whistleblower Disclosures acted on;
- the number of Whistleblower Disclosure not acted on;
- the number of investigations commenced by the Designated Officer;
- in cases where wrongdoing is found, a description of the wrongdoing and any recommendation or corrective measures taken, or the reasons why corrective measures were not taken.

REVIEW

All Policies and Programs are subject to legislated revisions.

A review of this policy and program, and related procedures will be conducted prior to December 31, 2024.

REFERENCE MATERIAL

Public Interest Disclosure (Whistleblower Protection) Act

Public Interest Disclosure (Whistleblower Protection) Regulations

Freedom of Information and Protection of Privacy Act

Public Interest Commissioner Website

Labour Relations Board

[Employee Conduct - Code of Conduct and Ethics Policy](#)

[Whistleblower Disclosure – Designated Officer Procedure](#)

[Whistleblower Disclosure Form](#)

Whistleblower Disclosure Annual Summary

Review Date	Section	Reason for Change
Mar 8, 2023	Policy, Program, Review	Clarification of legislated requirements; consistency in 'employee' definition with other policies; clarification of Labour Relations Board remedy compliance; policy and Program review change
May 25, 2022	Policy, Program, Reference Material	Amended hyperlinks to Document ID, housekeeping.
Mar 9, 2022		Annual Review – no changes
Mar 10, 2021	Program, Monitoring and Reporting	Update contact information for Emery Jamieson LLP. With Annual Awareness session being conducted online, acknowledgement and confirmation of employee understanding is taking place virtually.
Mar 11, 2020		Annual review – no changes. Updated hyperlinks within integra
Mar 13, 2019	Communication	Annual review. Deletion of publication date and effective date. Grammatical changes.
Jun 20, 2018	Policy, Program, Communication, Monitoring and Reporting	Changes as per amended legislation. Suggested changes as per the Public Interest Commissioner's feedback and changes to the Designated Officer and timelines as per the Board meeting.